

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BANK OF COMMUNICATIONS, 07 civ. 4628 (TPG)
NEW YORK BRANCH,
Plaintiffs,

-against-

OCEAN DEVELOPMENT AMERICA, INC.,
HONGMING LI a/k/a MICHAEL LI and
XIAOMING ZHANG,

Defendants
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~~ORDER TO SHOW CAUSE WITH~~
~~TEMPORARY STAY ORDER~~ *fr*


Upon the annexed Declaration of Xiaoming Zhang ("Zhang") made on the 15th day of July, 2008, the Declaration of Hongming Li ("Li") made on the 15th day of July, 2008, the Declaration of Bing Li made on the 16th day of July, 2008, together with the exhibits annexed thereto, the Memorandum of Law in Support of the instant application dated July 16, 2008, and on all the papers and proceedings heretofore had herein, it is hereby


ORDERED that plaintiff BANK OF COMMUNICATIONS, NEW YORK BRANCH, or its attorneys show cause before the Hon. Thomas P. Griesa, U.S.D.J., in Courtroom 26B of the United States Courthouse located at 500 Pearl Street, New York, New York, on the 29th day of July, 2008, at 2:00 a.m./p.m., or as soon thereafter as counsel can be heard, why an Order should not be issued granting individual defendant Zhang and Li (the "moving

defendants") the following relief with respect to a judgment (in the form of an Order) entered in this action on March 10, 2008 in the amount of \$4,874,210.58 (the "judgment"):

1. Pursuant to Rule 55(c) of the Federal Rules of Civil Procedure ("Fed.R.Civ.P.") and Rule 60(b)(4) declaring the judgment void for lack of in personam jurisdiction over Zhang and Li;
2. Pursuant to Rule 60(b)(4) declaring the judgment void for lack of proper service on Zhang and Li;
3. Pursuant to Rule 55(c) and Rule 60(b)(1) setting aside the judgment based for excusable default;
4. Pursuant to Rule 60(b)(3) setting aside the judgment based on plaintiff's misrepresentation and concealment of material facts and other misconduct;
5. Pursuant to Rule 60(b)(6) setting aside the judgment to accomplish justice; and
6. Granting the Zhang and Li such other and further relief as the Court deems just and proper.

SUFFICIENT CAUSE THEREFOR APPEARING, it is further

 ~~**ORDERED** that pending the hearing of the moving defendants' motion, all proceedings for the enforcement of the Judgment on the part of plaintiff, its agent or attorney and any Sheriff or Marshal be and hereby are stayed; and it is further~~

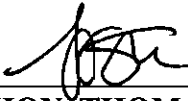
ORDERED that service of a copy of this Order and the papers upon which it is granted by personal delivery upon WU & KAO, Attorneys of record for plaintiff, at its office address located at 747 Third Avenue, 22nd Floor, New York, New York 10017, on or before  July 18, 2008, shall be deemed good and sufficient service; and it is further

ORDERED that plaintiff shall serve its answering papers, if any, upon the attorneys for Zhang and Li by delivering copies thereof to their office on or before July 23, 2008 and any reply thereto shall be served on or before July 25, 2008.

Dated: New York, New York

July 17, 2008

Issued at _____ a.m./p.m.



HON. THOMAS P. GRIESA, U.S.D.J.
LAURA TAYLOR SWAIN, USDJ
Part I